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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,355	07/30/2003	Carsten Momma	117163.00077	9258
21324 7590 12/19/2007 HAHN LOESER & PARKS, LLP One GOJO Plaza Suite 300 AKRON, OH 44311-1076			EXAMINER PELLEGRINO, BRIAN E	
			ART UNIT 3738	PAPER NUMBER
			NOTIFICATION DATE 12/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10630355	7/30/03	MOMMA ET AL.	117163.00077

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EXAMINER

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Commissioner for Patents

Applicant's reply brief alleges there is no reason to modify the Wu implantable device. However, a prima facie obviousness requires a teaching that all elements of the claimed invention are found in the prior art and a reason that would have prompted a person of ordinary skill in the relevant field to modify the prior art to arrive at the claimed invention. See KSR, 127 S. Ct. at 1741, 82 USPQ2d at 1396. In this instance all the structural elements of the claim are found in the Wu patent. The Examiner discusses the reason to modify the dimensions of the microcannula to be longer to penetrate a thicker covering and into tissue as disclosed by Wu. The reply brief filed 11/26/07 has been considered and entered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

BRIAN E. PELLEGRINO
PRIMARY EXAMINER